

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

JAY L. THOMAS,

Plaintiff,

v.

ADVANCE HOUSING, INC.,

Defendant.

**CLOSED**

Civil Action No.: 11-1426 (PGS)

**MEMORANDUM & ORDER**

Whereas *pro se* Plaintiff Jay L. Thomas filed an application to proceed *in forma pauperis* under 28 U.S.C. § 1915 on March 14, 2011 (ECF No. 1.); and

Whereas Plaintiff alleges that jurisdiction obtains in this Court pursuant to 28 U.S.C. § 1331, and that both Plaintiff and Defendant are residents of New Jersey; and

Whereas Plaintiff asserts claims for (1) gross negligence, (2) breach of contract, and (3) violations of the New Jersey Law Against Discrimination; and

Whereas the Court considered Defendant's motion to dismiss and Plaintiff's opposition to said motion (ECF No. 2.); and

Whereas a Federal Court must have subject matter jurisdiction to decide a case on the merits, *see In re Orthopedic Bone Screw Prods. Liab. Litig.*, 132 F.3d 152, 155 (3d Cir. 1997); and

Whereas a district court may have subject matter jurisdiction if a federal question is raised or because of the diversity of citizenship of the parties, *see New Jersey v. Wildwood*, 22 F. Supp. 2d 395 (D.N.J. 1998); and

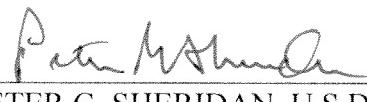
Whereas federal question jurisdiction appears to be lacking because all of Plaintiff's claims are based on New Jersey state law; and

Whereas diversity of citizenship appears to be lacking because all of the parties in this action are citizens of New Jersey; and

Whereas this Court lacks subject matter jurisdiction;

IT IS on this 11<sup>th</sup> day of April 2011, **ORDERED** as follows:

1. Plaintiff's application to proceed *in forma pauperis* is granted.
2. The clerk is directed to file Plaintiff's Complaint.
3. Defendant's motion to dismiss is granted. (ECF No. 2.)
4. Plaintiff's Complaint is dismissed.



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PETER G. SHERIDAN, U.S.D.J.

April 11, 2011